

**REMARKS**

Applicant respectfully requests reconsideration of this application as amended.

Claims 1-2, 5, 7, 11, 13-14, 17-19, 24-26, 28 and 32-33 have been amended. Claims 16 and 31 have been cancelled without prejudice. No new claims have been added.

Therefore, claims 1-15, 17-30 and 32-33 are presented for examination.

**35 U.S.C. § 102 Rejection**

Claims 1-6, 9, 10, 17, 19, 20, 22, 23, 25 and 32 are rejected under 35 U.S.C. §102(e) as being anticipated by Cundiff, JR., U.S. Patent Publication No. 2004/0230973 ("Cundiff").

Claim 1, as amended, recites:

A Java monitoring architecture (JMA), comprising:  
one or more monitor servers to monitor resources, collect monitoring data associated with the resources, and provide the monitoring data to one or more destinations, wherein each monitor server includes a Java Management Extensions (JMX)-based monitor server; and  
one or more managed bean servers coupled with the one or more monitor servers, each managed bean server having a registry of associated managed beans to facilitate the one or more monitor servers to monitor the resources, each managed bean server further having a container to hold the managed beans, the managed beans to access management applications to manage the resources that are being monitored.

Cundiff discloses a "system, method and software product for providing an implementation for "management beans" or MBeans in a multiple Java Virtual Machine (JVM) server is disclosed. By providing a single MBean interface so that a client or an element external to the server executes a single request and/or receives a single notification, no matter how many servant JVMs exist, to the external element, the multiple JVM system appears to act like a single JVM system. These new techniques for

providing management across several JVM servers depend upon one server being designated as a control JVM and the remaining JVM servers being designated as servant JVMs, under the control of the control JVM. The control JVM distributes work requests across the servant JVMs in an implementation specific way. Such systems are preferably implemented using an MBean proxy which *receives requests from external elements, delegates the requests to a particular servant JVM in which the processing is under the control of an MBean that is local to the control JVM, then receives notifications from the servant JVMs and aggregates the notifications from the servant MBeans into an aggregate notification which it then sends out from the server.*" (Abstract; emphasis added).

In contrast, claim 1, as amended, in pertinent part, recites "one or more managed bean servers coupled with the one or more monitor servers, each managed bean server having a registry of associated managed beans to facilitate the one or more monitor servers to monitor the resources, each managed bean server further having a container to hold the managed beans, the managed beans to access management applications to manage the resources that are being monitored" (emphasis added). Cundiff's technique for providing management across several JVM servers is not the same as providing "one or more managed bean servers coupled with the one or more monitor servers, each managed bean server having a registry of associated managed beans to facilitate the one or more monitor servers to monitor the resources, each managed bean server further having a container to hold the managed beans, the managed beans to access management applications to manage the resources that are being monitored" (emphasis added) Cundiff does not teach or reasonably suggest the use of a registry of associated managed beans at managed bean servers or the managed bean servers having containers

to hold the managed beans as recited by claim 1. Accordingly, Applicants respectfully request the withdrawal of the rejection of claim 1 and its dependent claims.

Claims 10, 19 and 25 contain limitations similar to those of claim 1. Accordingly, Applicants respectfully request the withdrawal of the rejection of claims 10, 19 and 25 and their dependent claims.

#### **35 U.S.C. § 103 Rejection**

Claims 7, 8, 13, 18, 21, 24 and 33 are rejected under 35 U.S.C. §103(a) as being anticipated over Cundiff in view of Patrick, et al., U.S. Patent Publication No. 2005/0102536 ("Patrick").

Claims 7, 8, 13, 18, 21, 24 and 33 depend from one of claims 1, 10, 19 and 25 and thus include all the limitations of the corresponding base claims. Accordingly, Applicants respectfully request the withdrawal of the rejection of claims 7, 8, 13, 18, 21, 24 and 33.

Claims 11, 12, 26 and 27 are rejected under 35 U.S.C. §103(a) as being unpatentable over Cundiff in view of Sengodan, et al., U.S. Patent Publication No. 2004/0158837 ("Sengodan").

Claims 11, 12, 26 and 27 depend from one of claims 10 and 25 and thus include all the limitations of the corresponding base claims. Accordingly, Applicants respectfully request the withdrawal of the rejection of claims 11, 12, 26 and 27.

#### **Conclusion**

In light of the foregoing, reconsideration and allowance of the claims is hereby earnestly requested.

**Invitation for a Telephone Interview**

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

**Request for an Extension of Time**

Applicant respectfully petitions for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.

**Charge our Deposit Account**

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

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